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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,475	12/21/2001	Chan-ho Park	1751-294	4356

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EXAMINER

IM, JUNGHWA M

ART UNIT	PAPER NUMBER
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2811

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/024,475

Applicant(s)

PARK, CHAN-HO

Examiner

Junghwa M. Im

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07/23/03 & 08/15/03 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1 and 3.

Claim(s) withdrawn from consideration: 4-7.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: the rejection ground(s) for the final action is maintained. (1) The claim language "junction termination" remains unclear. What is a "junction termination"? The term does not appear to be discussed in the specification. Applicant's response on July 23 implies that the junction termination is a trench area. (2) Based on the Applicant's remarks of 23 July 2003, the device of El-Kareh clearly shows substantially an identical structure except the recited depth of the trench. (3) The reference of MacDonald is introduced to show the fabrication of the specified depth of the trench in a semiconductor device since the instant invention recites a deep trench (4) Applicant argues that the trench ONLY penetrates the base region. First, pending claim does not recite the limitation of "ONLY." In addition, instant invention is regarding a device which has a narrower, longer trench penetrating down to the collector region as shown in Figures of the Application. (5) Note that a micron is also written as "um", therefore 100 micron is within the range of 50-150um. MacDonald motivates the use of a deep trench for improved dielectric isolation.

In conclusion, both of the devices of El-Kareh and the Application are a BJT and both of the devices have a trench penetrating the base region. And note that the intended use of the device does not carry a patentable weight in device claims. In addition, an intended use of the device is not recited in the claim.

Examiner notes that the paper of 23 July 2003 does not appear in the case file and is perhaps "lost", a problem similar to others that are occurring during the PTO changeover to Image File Wrapper. The examiner would like to apologize for the delays. Also Applicant apparently faxed a copy of the paper of 23 July to AU SPE on 21 August 2003, but no copy was provided for the examiner. The examiner now has a copy, faxed to PTO number 202 783-3102 on 21 August 2003, and will request that this copy be entered as a formal paper by PTO support staff. Also, Applicant's representative has apparently recently discussed the interview summary form of 15 August 2003 with the SPE of AU 2811, alleging that no "brief discussion" of proposed amendments ever took place. The undersigned primary examiner has been instructed to respond to this allegation. The undersigned was not handling this case at the time of the discussion, and has no personal knowledge of what took place. Applicant is invited to submit a written reply including the substance of the interview, as noted in the interview summary form, to be entered as a formal part of the record. The PTO certainly would not want an allegedly incorrect statement in the record to stand unchallenged. The assistant examiner in this case has no authority to grant or deny a request for interview, however, and the denial of the request was apparently made by someone who had the authority to do so, based on review of the proposed arguments.


Sara Crane
Primary Examiner